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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

YARO ORTIZ,

Defendant.

Case No. 2:20-mj-00859-EJY

**Stipulation to Continue the Preliminary
Examination Date and Exclude Time Under
the Speedy Trial Act
(Tenth Request)**

IT IS HEREBY STIPULATED AND AGREED by and between, CHRISTOPHER CHIOU, Acting United States Attorney, District of Nevada, through Shaheen P. Torgoley, Assistant United States Attorney, representing the United States of America, and David Chesnoff, Esq. and Richard Schonfeld, Esq., representing Defendant Yaro Ortiz, that the Preliminary Examination date in the above captioned case, which is currently scheduled for October 19, 2021, at 4 PM, be continued to a date and time convenient for the Court but not less than 60 days from the current setting. The parties also stipulate to an extension of the 30-day period under 18 U.S.C. § 3161(b) in which an indictment or information must be returned.

1. Based on the public health emergency brought about by the COVID-2019 pandemic, the required social-distancing measures as recognized in the Temporary General Orders, and

1 the need for additional time to prepare the defense, both during the public health
2 emergency and once the public health emergency is resolved, the parties agree to
3 continue the currently scheduled Preliminary Examination on October 19, 2021, to a
4 date and time convenient for the Court, but not less than 60 days from the current
5 setting.

6 2. This continuance is not sought for purposes of delay, but to account for the necessary
7 social-distancing in light of the COVID-2019 public health emergency, and to allow the
8 defense adequate time to prepare during the public health emergency and following its
9 resolution.

10 3. Denial of this request could result in a miscarriage of justice, and the ends of justice
11 served by granting this request outweigh the best interests of the public and the defendant
12 in a speedy trial.

13 4. The government extended a formal plea offer which, following several conversations, the
14 parties believe the defendant will enter.

15 5. Defense continues to investigate the matter in order to advise the defendant.

16 6. The defendant is at liberty and does not object to the continuance.

17 7. This is the parties' ninth request to continue the Preliminary Examination date.

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1 8. The additional time requested by this stipulation is excludable in computing the time
2 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United
3 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
4 States Code, Section 3161(h)(7)(B)(i) and (iv).

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6 DATED this 14th day of October, 2021.

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8 CHRISTOPHER CHIOU
Acting United States Attorney

9 /s/ Shaheen P. Torgoley
10 SHAHEEN P. TORGOLEY
Assistant United States Attorney

/s/ Richard Schonfeld
RICHARD SCHONFELD, ESQ.
DAVID CHESNOFF, ESQ.
Counsel for Defendant

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and to allow the defense adequate time to prepare during and following the resolution of this public health emergency, the Preliminary Examination date in this case should be continued.
2. The parties agree to this continuance.
3. The defendant is at liberty and does not object to the continuance.
4. This continuance is not sought for purposes of delay.
5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.
6. The Speedy Trial Act's indictment clock under 18 U.S.C. § 3161(b) is extended to the Preliminary Hearing date set below.
7. The additional time requested by this stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Sections 3161(h)(7)(A), and considering the factors under Title 18, United
2 States Code, Section 3161(h)(7)(B)(i) and (iv).

3 THEREFORE, IT IS HEREBY ORDERED that the Preliminary Examination in the
4 above-captioned matter currently scheduled for October 19, 2021 be vacated and continued to
5 Monday, December 20, 2021, at the hour of 4:00 P.M., in a courtroom to be determined.

6 DATED this 15th day of October, 2021.
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10 HONORABLE FLAYNA J. YOUCHAH
United States Magistrate Judge
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